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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4234

13 **CATHERINE DREW CANTRELL**  
14 **1081 W. Arrow Hwy, #42**  
15 **Azusa, CA 91702**

**DEFAULT DECISION AND ORDER**

16 **Pharmacy Technician Registration**  
17 **No. TCH 116875**

[Gov. Code, §11520]

Respondent.

18  
19 **FINDINGS OF FACT**

20 1. On or about September 20, 2012, Complainant Virginia K. Herold, in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
22 filed Accusation No. 4234 against Catherine Drew Cantrell (Respondent) before the Board of  
23 Pharmacy. (Accusation attached as Exhibit A.)

24 2. On or about October 31, 2011, the Board of Pharmacy (Board) issued Pharmacy  
25 Technician Registration No. TCH 116875 to Respondent. The Pharmacy Technician Registration  
26 was in full force and effect at all times relevant to the charges brought in Accusation No. 4234  
27 and will expire on August 31, 2013, unless renewed.  
28

1       3.     On or about October 3, 2012, Respondent was served, by Certified Mail and First  
2     Class Mail, copies of the Accusation No. 4234, Statement to Respondent, Notice of Defense,  
3     Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4     and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
5     Code section 4100, is required to be reported and maintained with the Board. Respondent's  
6     address of record was and is:

7                               1081 W. Arrow Hwy, #42  
8                               Azusa, CA 91702.

9       4.     Service of the Accusation was effective as a matter of law under the provisions of  
10    Government Code section 11505, subdivision (c), and/or Business & Professions Code section  
11    124.

12    5.     On or about October 26, 2012, the aforementioned documents were returned by the  
13    U.S. Postal Service marked "Unable to Forward" and "No Forwarding Address." The address on  
14    the documents was the same as the address on file with the Board. Respondent failed to maintain  
15    an updated address with the Board and the Board has made attempts to serve the Respondent at  
16    the address on file. Respondent has not made herself available for service and therefore, has not  
17    availed herself of her right to file a notice of defense and appear at hearing.

18    6.     Government Code section 11506 states, in pertinent part:

19             (c) The respondent shall be entitled to a hearing on the merits if the respondent  
20             files a notice of defense, and the notice shall be deemed a specific denial of all parts  
21             of the accusation not expressly admitted. Failure to file a notice of defense shall  
22             constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
23             may nevertheless grant a hearing.

24    7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
25    the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4234.

26    8.     California Government Code section 11520 states, in pertinent part:

27             (a) If the respondent either fails to file a notice of defense or to appear at the  
28             hearing, the agency may take action based upon the respondent's express admissions  
              or upon other evidence and affidavits may be used as evidence without any notice to  
              respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 4234, finds that the charges and allegations in Accusation No. 4234, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$2,452.50 as of November 13, 2012.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Catherine Drew Cantrell has subjected her Pharmacy Technician Registration No. TCH 116875 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to disciplinary action under sections 490, 4300 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered pharmacy technician which to a substantial degree evidence her present or potential unfitness to perform the functions authorized by her registration in a manner consistent with the public health, safety, or welfare, as follows:

(1) On or about July 25, 2011, after pleading guilty, Respondent was convicted of one felony count of violating Penal Code section 459 [burglary], in the criminal proceeding entitled *The People of the State of California v. Catherine Cantrell* (Super. Ct. San Bernardino County, 2011, No. FWV1101768). The court sentenced Respondent to serve 120 days in jail, placed Respondent on probation for a period of 36 months, and fined her. The circumstances

1 surrounding the conviction are that on or about July 13, 2011, San Bernardino Sheriff's Officers  
2 obtained a search warrant for a residence located in the City of Rosemead, California. After an  
3 investigation, two suspects were arrested on or about June 30, 2011 for being involved in a scam  
4 of using fraudulent barcodes/SKU labels to purchase merchandise from various Home Depot  
5 Department stores. On or about July 13, 2011, while conducting the search at the residence in  
6 Rosemead, Respondent was one of the female individuals found at the property. The officers ran  
7 Respondent's name through a database search through Home Depot Department stores and  
8 identified Respondent as an individual who had made several fraudulent returns to Home Depot  
9 Department stores from October 2010 through July 7, 2011. When questioned, the Respondent  
10 admitted to the officers that she was involved in the scam by returning various items to various  
11 Home Depot Department stores. Respondent further admitted to officers that she had returned  
12 items to Home Depot Department stores on (7) seven different occasions. Respondent's vehicle  
13 was searched at the premises as part of a search warrant, and officers recovered a plastic baggie  
14 containing methamphetamine. Respondent admitted to the officers that she was, "under the  
15 influence and had used methamphetamine the previous night." Respondent also admitted to the  
16 officers that she had purchased, "\$100 worth, but had used some the previous night." Respondent  
17 was subsequently convicted of violating Penal Code section 459.

18 b. Respondent is also subject to disciplinary action under sections 4300 and 4301,  
19 subdivision (h), on the grounds of unprofessional conduct, in that Respondent administered to  
20 herself alcohol and / or used a dangerous drug to the extent or in a manner as to be dangerous or  
21 injurious to herself or others. Complainant refers to, and by this reference incorporates, the  
22 allegations set forth above in paragraph 3a, inclusive, as though set forth fully.

23 c. Respondent is subject to disciplinary action under sections 4300 and 4301,  
24 subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health  
25 and Safety Code as follows:

26 (1) Section 11170 for prescribing, administering and / or furnishing a controlled  
27 substance for herself.

28 (2) Section 11377, subdivision (a), by possessing Methamphetamine, a controlled

1 substance.

2 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
3 paragraph 3a, inclusive, as though set forth fully.

4 d. Respondent is subject to disciplinary action under sections 4300 and 4301,  
5 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
6 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to,  
7 and by this reference incorporates, the allegations set forth above in paragraph 3a, inclusive, as  
8 though set forth fully.

9 ORDER

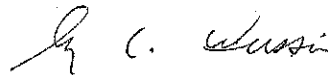
10 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 116875, heretofore  
11 issued to Respondent Catherine Drew Cantrell, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
13 written motion requesting that the Decision be vacated and stating the grounds relied on within  
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on January 4, 2013.

17 It is so ORDERED ON December 5, 2012

18 BOARD OF PHARMACY  
19 DEPARTMENT OF CONSUMER AFFAIRS  
20 STATE OF CALIFORNIA

21 

22 By \_\_\_\_\_  
23 STANLEY C. WEISSER  
24 Board President

25 51192040.DOC  
26 DOJ Matter ID:LA2012602083

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 BEFORE THE  
BOARD OF PHARMACY  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

10  
11 In the Matter of the Accusation Against:

Case No. 4234

12 CATHERINE DREW CANTRELL  
1081 W. Arrow Hwy, #42  
13 Azusa, CA 91702

ACCUSATION

14 Pharmacy Technician Registration No. TCH  
116875

15  
16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).  
22 2. On or about October 31, 2011, the Board issued Pharmacy Technician License No.  
23 TCH 116875 to Catherine Drew Cantrell (Respondent). The Pharmacy Technician License was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 August 31, 2013, unless renewed.

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1 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
2 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
3 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
4 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
5 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
6 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
7 labeled with the name and address of the supplier or producer.

8 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
9 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
10 devices."

11 7. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
12 revoked."

13 8. Section 4301 states, in pertinent part:

14 "The board shall take action against any holder of a license who is guilty of unprofessional  
15 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
16 Unprofessional conduct shall include, but is not limited to, any of the following:

17 . . . .

18 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
19 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
20 whether the act is a felony or misdemeanor or not.

21 . . . .

22 (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
23 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
24 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
25 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
26 practice authorized by the license.

27 . . . .

28 (j) The violation of any of the statutes of this state, or any other state, or of the United

1 States regulating controlled substances and dangerous drugs.

2 . . . .

3 (l) The conviction of a crime substantially related to the qualifications, functions, and  
4 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
5 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
6 substances or of a violation of the statutes of this state regulating controlled substances or  
7 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
8 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
9 The board may inquire into the circumstances surrounding the commission of the crime, in order  
10 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
11 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
12 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
13 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
14 of this provision. The board may take action when the time for appeal has elapsed, or the  
15 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
16 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
17 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
18 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
19 indictment. . . ."

#### 20 REGULATORY PROVISIONS

21 9. California Code of Regulations, title 16, section 1770, states:

22 "For the purpose of denial, suspension, or revocation of a personal or facility license  
23 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
24 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
25 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
26 licensee or registrant to perform the functions authorized by his license or registration in a manner  
27 consistent with the public health, safety, or welfare."

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## DRUG STATUTES

10. Health and Safety Code section 11170 states that "[n]o person shall prescribe, administer, or furnish a controlled substance for himself."

11. Health and Safety Code section 11173, subdivision (a), states "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

12. Health and Safety Code section 11350, subdivision (a), states, in pertinent part:

"Except as otherwise provided in this division, every person who possess (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison."

13. Health and Safety Code section 11377, subdivision (a), states, in pertinent part:

"Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or in the state prison."

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COST RECOVERY

14. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCE / DANGEROUS DRUG

15. Methamphetamine, a (CNS) central nervous system stimulant, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially-Related Crime)

16. Respondent is subject to disciplinary action under sections 490, 4300 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered pharmacy technician which to a substantial degree evidence her present or potential unfitness to perform the functions authorized by her registration in a manner consistent with the public health, safety, or welfare, as follows:

a. On or about July 25, 2011, after pleading *guilty*, Respondent was convicted of one felony count of violating Penal Code section 459 [burglary], in the criminal proceeding entitled *The People of the State of California v. Catherine Cantrell* (Super. Ct. San Bernardino County, 2011, No. FWV1101768). The court sentenced Respondent to serve 120 days in jail, placed Respondent on probation for a period of 36 months, and fined her. The circumstances surrounding the conviction are that on or about July 13, 2011, San Bernardino Sheriff's Officers obtained a search warrant for a residence located in the City of Rosemead, California. After an investigation, two suspects were arrested on or about June 30, 2011 for being involved in a scam of using fraudulent barcodes/SKU labels to purchase merchandise from various Home Depot Department stores. On or about July 13, 2011, while conducting the search at the residence in Rosemead, Respondent was one of the female individuals found at the property. The officers ran

1 Respondent's name through a database search through Home Depot Department stores and  
2 identified Respondent as an individual who had made several fraudulent returns to Home Depot  
3 Department stores from October 2010 through July 7, 2011. When questioned, the Respondent  
4 admitted to the officers that she was involved in the scam by returning various items to various  
5 Home Depot Department stores. Respondent further admitted to officers that she had returned  
6 items to Home Depot Department stores on (7) seven different occasions. Respondent's vehicle  
7 was searched at the premises as part of a search warrant, and officers recovered a plastic baggie  
8 containing methamphetamine. Respondent admitted to the officers that she was, "under the  
9 influence and had used methamphetamine the previous night." Respondent also admitted to the  
10 officers that she had purchased, "\$100 worth, but had used some the previous night." Respondent  
11 was subsequently convicted of violating Penal Code section 459.

#### 12 SECOND CAUSE FOR DISCIPLINE

##### 13 (Dangerous Use of Alcohol and / or Drugs)

14 17. Respondent is subject to disciplinary action under sections 4300 and 4301,  
15 subdivision (h), on the grounds of unprofessional conduct, in that Respondent administered to  
16 herself alcohol and / or used a dangerous drug to the extent or in a manner as to be dangerous or  
17 injurious to herself or others. Complainant refers to, and by this reference incorporates, the  
18 allegations set forth above in paragraph 16, subparagraph (a), inclusive, as though set forth fully.

#### 19 THIRD CAUSE FOR DISCIPLINE

##### 20 (Violating Drug Statutes)

21 18. Respondent is subject to disciplinary action under sections 4300 and 4301,  
22 subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health  
23 and Safety Code as follows:

24 a. Section 11170 for prescribing, administering and / or furnishing a controlled  
25 substance for herself.

26 b. Section 11377, subdivision (a), by possessing Methamphetamine, a controlled  
27 substance.  
28

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraph 16, subparagraph (a), inclusive, as though set forth fully.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

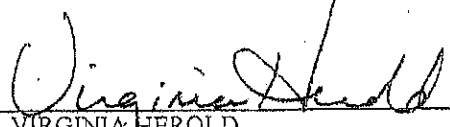
5 19. Respondent is subject to disciplinary action under sections 4300 and 4301,  
6 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
7 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to,  
8 and by this reference incorporates, the allegations set forth above in paragraphs 16 through 18,  
9 inclusive, as though set forth fully.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board issue a decision:

- 13 1. Revoking or suspending Pharmacy Technician License No. TCH 116875, issued to  
14 Catherine Drew Cantrell;  
15 2. Ordering Catherine Drew Cantrell to pay the Board the reasonable costs of the  
16 investigation and enforcement of this case, pursuant to section 125.3; and  
17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 9/20/12

  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

23 LA2012602083  
24 accusation.rtf  
25 06/08/12-1C  
26 cf  
27  
28